

## **REMARKS**

### **Status of the Claims**

Claims 4, 9, 11, 13 and 15 are amended. Claims 1-3 and 10 are cancelled. Following the amendments herein, Claims 4-6, 9 and 11-15 remain pending. No amendment introduces new matter into this application.

Support for the amendments to claim 4 are found in claim 10 which is currently cancelled. The amendment to the preamble of claim 4 was made at the suggestion of the Examiner for clarity of claim language.

Claim 9 was amended for clarity of the claim language, however, support may be found on page 3, second paragraph (line 4) of the specification as filed.

Claims 11, 13 and 15 were amended to change dependency from cancelled claim 1 to independent claim 4. Claim 15 was further amended for clarity of claim language. Support for the amendment to claim 15 may be found on page 5 in the specification as filed.

### **Rejection of Claims 1-3, 9-11 and 13 Under 35 U.S.C. § 112**

Claims 1-3, 9-11 and 13 are rejected under 35 U.S.C. § 112, second paragraph, as failing to comply with the written description requirement. The Examiner contends the claim(s) contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, has possession of the claimed invention. The rejection is premised on the amendments to claim 1 made on July 10, 2006 whereby claim 1 was amended to recite the at least one polyolefin is selected from a copolymer of ethylene and a linear aliphatic  $\alpha$ -olefin.

Applicants have cancelled claims 1-3 thereby obviating the rejection of not only claims 1-3 but also the rejection of claim 9-11 and 13 which were previously dependent upon claim 1.

### **Rejection of Claims 1-6 and 9-15 and 13 Under 35 U.S.C. § 112**

Claims 1-6 and 9-15 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner contends it is unclear if the polyolefin is a

VLD PE or a copolymer mixture of ethylene and the alpha-olefin. The Examiner further contended it was not clear what was meant by the polyolefin and grafted copolymer “constitutes a polymeric binder.”

In response, Applicants have amended the preamble of independent claim 4 as suggested by the Examiner in an attempt to further clarify the invention. Applicants note that the polymeric binder is a physical mixture of at least three components, namely (i) at least one polyolefin which, in turn, is a mixture of at least two ethylene copolymers, namely copolymer (a) and copolymer (b), and (ii) at least one grafted copolymer which is maleic acid anhydride grafted HD polyethylene. Copolymers (a) and (b) are very low density (VLD) PE polymers. Support for the components of claim 4 is reflected in the Example on page 15 of the specification as filed. In other words, claim 4 is supported by the disclosure of Dow DSH 1505 which corresponds to copolymer (a), Dow EG 8200 which corresponds to copolymer (b) and Dow XU 60769.07 which corresponds with the grafted copolymer (i.e., component (ii)).

With specific regards to claim 9, Applicants have amended the claim language to recite a degree of grafting for the at least one grafted copolymer of claim 4 from which claim 9 now depends. Thus, antecedent basis is now provided and the rejection of this claim is overcome.

With specific regards to claim 15, Applicants have amended the claim to recite the source of the color and design. Support for the recitation of “inorganic pigments” as the source for color and design is found on page 5 of the specification as filed.

With the cancellation of claims 1-3 and the amendments presented herein, Applicants believe the rejection of claims 1-6 and 9-15 is overcome. Accordingly, Applicants’ request that this rejection be withdrawn.

#### **The Rejections Under 35 U.S.C. § 102(b)**

Claims 1-4, 6 and 11-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,910,358 to Theon. Claims 1-6 and 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,973,049 Biesser.

Applicants have cancelled claim 1-3 thereby obviating the above-referenced rejections under § 102(b).

Applicants respectfully traverse the rejections of the remaining pending claims under § 102(b). Applicants submit that Theon and Biesser fail to disclose each and every element of independent claim 4. However, in order to advance prosecution of the pending claims, Applicants amend claim 4 to incorporate the limitations of claim 10. That is, claim 4 is amended to recite the limitation that the proportion of the at least one grafted copolymer in relation to the total weight of the polymeric binder is 5% to 25% by weight. As the Examiner has admitted on page 8 of the Office Action dated August 28, 2007, neither Thoen or Biesser teach the amounts recited in claim 10 (currently cancelled). Thus, Applicants believe the rejection of claims 1-4, 6 and 11-13 is overcome. Accordingly, Applicants' request that this rejection be withdrawn.

**The Rejections Under 35 U.S.C. § 103(a)**

Claims 1-3, 5 and 9-15 are rejected under 35 U.S.C. § 103(a) for the reasons set forth on pages 6-15 of the Office Action dated August 28, 2007.

With the present amendment, Applicants have cancelled claims 1-3 thereby obviating the rejections of these claims under § 103(a). The only independent claim (claim 4) from which all remaining pending claims now depend was not rejected under § 103(a). Thus, Applicants believe the rejection of claims 1-3, 5 and 9-15 is overcome. Accordingly, Applicants' request that this rejection be withdrawn.

**CONCLUSION**

In view of the above amendments and remarks, Applicants respectfully assert that the rejection of the claims as set forth in the Office Action has been addressed and overcome. Applicants further assert that all Claims are in condition for allowance and requests that an early notice of allowance be issued. If the Examiner believes any informalities remain in the application that can be resolved by telephone interview, a telephone call to the undersigned attorney is requested.

No additional fees are believed due, however, the Commissioner is hereby authorized to charge any deficiencies which may be required, or credit any overpayment, to Deposit Account Number 09-0528.

Respectfully submitted,

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Date

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